



Order Filed on June 17, 2021  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

**McMANIMON, SCOTLAND  
& BAUMANN, LLC**

75 Livingston Avenue – 2<sup>nd</sup> Floor  
Roseland, New Jersey 07068  
(973) 622-1800

Joshua H. Raymond, Esq.  
*Attorneys for Allstate New Jersey Insurance  
Company and Related Entities*

In re:

STEPHEN J. CONTE, JR.

Debtor.

Case No. 18-29278(JKS)

Chapter 11

**THIRD STIPULATION AND CONSENT ORDER FURTHER (I)  
EXTENDING TIME TO FILE A NONDISCHARGEABILITY  
ADVERSARY COMPLAINT AND OBJECTION TO  
DISCHARGE AND (II) ADJOURNING DEPOSITION OF  
STEPHEN J. CONTE, JR. AND (III) ADJOURNING MOTION  
OBJECTING TO CLAIM**

The relief set forth on the following pages, numbered two (2) through five (5), is hereby  
**ORDERED.**

**DATED: June 17, 2021**

A handwritten signature in black ink, appearing to read "J K Sherwood".

Honorable John K. Sherwood  
United States Bankruptcy Court

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Debtor: Stephen J. Conte, Jr.  
Case No.: 18-29278(JKS)  
Caption of Order: Third Stipulation and Consent Order Further (i) Extending Deadline To File  
Nondischargeability Complaint and Objection To Discharge (ii) Adjourning  
Deposition of Stephen J. Conte, Jr. (iii) Adjourning Motion Objecting to Claim

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**WHEREAS**, on September 28, 2018, Debtor filed a Voluntary Chapter 13 Petition; and

**WHEREAS**, on May 30, 2019, Debtor's Chapter 13 case was converted to Chapter 11;

and

**WHEREAS**, on May 20, 2020, Allstate New Jersey Insurance Company; Allstate Insurance Company; Allstate Indemnity Company; Allstate Property and Casualty Insurance Company; Allstate New Jersey Property and Casualty Insurance Company (collectively, "Allstate"), filed two proofs of claim asserting an administrative claim in the amount of \$244,085.25 [Claim No. 10] and an unsecured claim in the amount of \$1,514,239.14 [Claim No. 11]; and

**WHEREAS**, on May 27, 2020, Allstate filed an Adversary Complaint objecting to discharge and non-dischargeability captioned as Allstate New Jersey Insurance Company et al. v. Conte, Adv. Pro. No. 20-1323 (JKS) (the "Adversary Proceeding"); and

**WHEREAS**, On June 1, 2020, Allstate filed an Amended Adversary Complaint, and

**WHEREAS**, on June 29, 2020, Debtor filed a Motion to Dismiss Allstate's Amended Adversary Complaint; and

**WHEREAS**, Allstate filed opposition to the Motion to Dismiss and Debtor filed a reply; and

**WHEREAS**, on July 28, 2020, a hearing was conducted on the Motion to Dismiss and on August 14, 2020, the Court entered an Order dismissing the Amended Adversary Complaint

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without prejudice and set October 15, 2020 as Allstate's deadline to re-file a complaint objecting to discharge and non-dischargeability (the "Order"); and

**WHEREAS**, on August 25, 2020, Allstate's filed an Application along with a motion seeking to extend the time for Allstate to file an objection to the Debtor's discharge and a non-dischargeability complaint pursuant to applicable provisions of the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure; and

**WHEREAS**, on September 24, 2020, the Court entered an Order extending deadline to file nondischargeability Complaint and Objection to Discharge which extended Allstate's deadline to object to discharge and time to file a non-dischargeability adversary complaint until January 13, 2021; and

**WHEREAS**, on October 7, 2020, the Court entered an Order Denying Debtor's Motion to Quash Subpoenas, and such order also compelled Debtor to produce documents and appear for the taking of his Rule 2004 examination before October 30, 2020; and

**WHEREAS**, the Debtor agreed that he would appear for his Rule 2004 Examination on October 29, 2020; and

**WHEREAS**, the Debtor filed an objection to Allstate's Proofs of Claim and the hearing is currently scheduled for April 27, 2021; and

**WHEREAS**, on October 29, 2020, the Court entered a Stipulation and Consent Order: (i) extending deadline to file nondischargeability complaint and objection to discharge and (ii) adjourning Debtor's deposition; and

**WHEREAS**, on January 22, 2021, the Court entered a Second Stipulation and Consent

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Debtor: Stephen J. Conte, Jr.  
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Nondischargeability Complaint and Objection To Discharge (ii) Adjourning  
Deposition of Stephen J. Conte, Jr. (iii) Adjourning Motion Objecting to Claim

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Order: (i) extending deadline to file nondischargability complaint and objection to discharge until June 30, 2021, (ii) adjourning Debtor's deposition and (iii) adjourning motion objecting to Claim; and

**WHEREAS**, on April 15, 2021, the Court entered a Consent Order for Mediation and thereafter the Debtor, Allstate and Dr. Stephen Conte, DO and the Trustee participated in mediation; and

**WHEREAS**, on April 29, 2021, the parties agreed to and did participate in non-binding mediation; and

**WHEREAS**, on or about May 17, 2021, the parties agreed to settlement terms, and whereas a proposed Mutual Release and Settlement Agreement has been prepared by counsel by Allstate, and forwarded to counsel for Debtor and Dr. Stephen Conte, DO, and whereas the parties remain in the process of finalizing the written Mutual Release and Settlement Agreement"; and

**NOW, BE IT HEREBY STIPULATED, AGREED AND ORDERED AS FOLLOWS:**

**ORDERED** that the Debtor's Rule 2004 examination previously scheduled for March 30, 2021 shall be rescheduled for July 28, 2021 at 10:00 a.m., and it is further

**ORDERED** that the hearing on the Debtor's Motion objecting to Allstate's Proof of Claim is adjourned from June 29, 2021 until September 28, 2021, and it is further

**ORDERED** that Allstate's time to file a non-dischargeability adversary complaint be and is hereby extended to and including September 30, 2021, pursuant to 11 U.S.C. § 523(c) and Federal Rule of Bankruptcy Procedure 4007; and it is further

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Debtor: Stephen J. Conte, Jr.

Case No.: 18-29278(JKS)

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**ORDERED** that the Allstate's time to file an objection to discharge be and is hereby extended to and including September 30, 2021, pursuant to 11 U.S.C. § 727 and Federal Rule of Bankruptcy Procedure 4004; and it is further

**ORDERED** that the entry of this order is without prejudice to Allstate's right to seek further extensions; and it is further

**ORDERED** that, unless otherwise set forth herein, all other pending motions, discovery requests, Rule 2004 examinations, and document productions shall continue as scheduled, and per prior orders of this Court.

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Debtor: Stephen J. Conte, Jr.  
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*Stipulated and consented to on the terms provided herein:*

**McMANIMON, SCOTLAND  
& BAUMANN, LLC**  
*Attorneys for Allstate New Jersey Insurance  
Company and Related Entities*

**NOGAARD, O'BOYLE & HANNON**  
*Counsel to Debtor, Stephen J. Conte, Jr.*

By: /s/ Joshua H. Raymond  
JOSHUA H. RAYMOND

By: /s/ John O'Boyle  
JOHN O'BOYLE

Dated: June 17, 2021

Dated: June 17, 2021

**COLE SCHOTZ, P.C.**  
*Attorneys for Jeffrey T. Testa,  
Chapter 11 Trustee*

By: /s/ Ryan T. Jareck  
RYAN T. JARECK

Dated: June 17, 2021

In re:  
Stephen J. Conte, Jr.  
Debtor

Case No. 18-29278-JKS  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0312-2  
Date Rcvd: Jun 17, 2021

User: admin  
Form ID: pdf903

Page 1 of 3  
Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 19, 2021:

Recip ID	Recipient Name and Address
db	Stephen J. Conte, Jr., 395 North Farview Avenue, Paramus, NJ 07652
aty	+ Norgaard O'Boyle, 184 Grand Ave, Englewood, NJ 07631-3578

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 19, 2021                      Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 17, 2021 at the address(es) listed below:

Name	Email Address
Brian Gregory Hannon	on behalf of Debtor Stephen J. Conte Jr. bhannon@norgaardfirm.com, sferreira@norgaardfirm.com;184grandno@gmail.com;kcimmino@norgaardfirm.com;crose@norgaardfirm.com;dtakach@norgaardfirm.com
Brian Thomas Crowley	on behalf of Interested Party Stephen J. Conte Sr. bcrowley@mchfirm.com, bcrowley@mcdonnellcrowley.com
Cassandra C. Norgaard	on behalf of Defendant Stephen J. Conte Jr. cnorgaard@norgaardfirm.com, sferreira@norgaardfirm.com;184grandno@gmail.com;kcimmino@norgaardfirm.com;dtakach@norgaardfirm.com
Denise E. Carlon	on behalf of Creditor US Bank National Association As Successor Trustee to Bank of America, National Association (Successor by Merger to Lasalle Bank National Association) As Trustee for Morgan Stanley Mortgage Loan Trust dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

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Denise E. Carlon

on behalf of Creditor Morgan Stanley Mortgage Loan Trust 2007-1XS U.S. Bank National Association, as Trustee, successor in interest to Bank of America, National Association, as Trustee, successor by merger to LaSalle Bank dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

Gavin Stewart

on behalf of Creditor Specialized Loan Servicing LLC, as servicing agent for Morgan Stanley Mortgage Loan Trust bk@stewartlegalgroup.com

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John O'Boyle

on behalf of Attorney Norgaard O'Boyle & Hannon joboyle@norgaardfirm.com, sferreira@norgaardfirm.com;184grandno@gmail.com;kcimmino@norgaardfirm.com;crose@norgaardfirm.com

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John Michael McDonnell

on behalf of Interested Party Stephen J. Conte Sr. jmcdonnell@mchfirm.com, NJ95@ecfcbis.com,bcrowley@mchfirm.com

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Michael S. Horn

on behalf of Debtor Stephen J. Conte Jr. mhorn@archerlaw.com

Rebecca Ann Solarz

on behalf of Creditor Morgan Stanley Mortgage Loan Trust 2007-1XS U.S. Bank National Association, as Trustee, successor in interest to Bank of America, National Association, as Trustee, successor by merger to LaSalle Bank rsolarz@kmlawgroup.com

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Seth L. Dobbs

on behalf of Debtor Stephen J. Conte Jr. [sdobbs@aboylaw.com](mailto:sdobbs@aboylaw.com), [TJANNICELLI@ABOYOUNDOBBBS.COM](mailto:TJANNICELLI@ABOYOUNDOBBBS.COM)

U.S. Trustee

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TOTAL: 32